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ELECTION COMMISSION MINUTES

April 23, 2012

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The City of Norman, Cleveland County, Oklahoma, met in the Municipal Building Conference Room at 201 West Gray on the 23rd day of April, 2012, at 2:00 p.m. Notice and agenda of the meeting were posted at the Municipal Building 48 hours prior to the beginning of the meeting.

Chairman Hardiman called the meeting to order at 2:00 p.m.

Item 1. Roll Call. City Clerk Hall called the roll.

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| MEMBERS PRESENT: | Robin Allen Nina Flannery Richard Hilbert Chairman Hardiman |
| MEMBERS ABSENT: | None |
| MEMBERS TARDY: | Elizabeth Windes |
| STAFF PRESENT: | Brenda Hall, City Clerk |

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Item 2. Follow-up discussion and possible action on a complaint filed by John Woods regarding a mailer paid for by the People for the Ethical Treatment of Taxpayers distributed in the Ward 8 Council race.

Chairman Hardiman said in the Norman Election Commission's (NEC) meeting of April 2, 2012, the Commission was made aware of a mailer, paid for by the People for the Ethical Treatment of Taxpayers (PETT), and a written complaint that was filed with the NEC by Mr. John Woods requesting NEC investigate and determine if a reporting violation occurred. The NEC discussed the City Clerk's findings in their meeting of April 9, 2012, meeting, which required further follow-up because Ms. Hall said she was unable to determine who the person associated with PETT was or a contact person to speak to about the mailer. She was able to confirm that the piece was mailed through University Presort. She had spoken to the owner of University Presort and was told 657 mailers were sent out to residents in Ward 8. University Presort told Ms. Hall the cost for sending the mailers was \$215.00. Ms. Hall said she contacted six (6) printing companies in the area, i.e., Norman, Oklahoma City, and Chickasha but had not been able to confirm who the company was that printed the mailers. She said all but one of the companies confirmed they did not print the mailer and she is still waiting for a call-back from the Chickasha printing company. Ms. Hall said she would try to contact the Chickasha company again.

Ms. Hall said she was still unable to locate an individual person responsible for the mailer, but did make contact with the Warwick Homeowners Association's president and other associations in the areas where the mailer had been distributed and no one claimed knowledge of or responsibility for the mailer. She did obtain estimates on the printing costs for the mailer from Hooper Printing, the Transcript Press, C&R Printing in Chickasha, LL James Printing in Oklahoma City, and the price range was \$60 up to \$350 for 700 mailers. She said having the cost information helped to know that the People for the Ethical Treatment of Taxpayers stayed under the \$500 expenditure threshold. She said she suspected the group is aware of Norman's campaign regulations and tried to operate within those parameters. She said she has not seen any new campaign material from the group for the upcoming Ward 8 run-off and was not sure there would be any. She said if the group is aware of the regulations they probably stayed under the

id if they distribute any further material it would most likely require filing a report unless they used a different committee name, which would place the NEC back to square one.

Ms. Hall said she responded to Mr. Woods complaint by letter, a copy of which she has provided the NEC. She said she will, for purposes of the NEC report, prepare a more comprehensive statement as to the process of the investigation. She said other than that, she believes all avenues of investigation have been exhausted. She said she has never been unable to identify the person(s) that printed campaign material so it has been somewhat frustrating. Chairman Hardiman said he appreciated the considerable research that has been done. He said since it appears the \$500 threshold was not met, would the consensus of the Committee be to take no action unless further evidence comes to light and the Commission agreed.

Items submitted for the record

1. City of Norman, Norman Election Commission Complaint Form submitted by Mr. John Woods to the City Clerk's Office, dated April 2, 2012
2. Mailer entitled, "Strings Attached? You Decide paid for by the People for the Ethical Treatment of Taxpayers
3. Letter dated April 20, 2012, from Brenda Hall, City Clerk, to Mr. John Woods

Item 3. Discussion, review, and approval of the General Election Report to be forwarded to City Council on May 8, 2012.

The Committee discussed the General Election Report and its supplemental appendices.

Member Hilbert moved that the General Election Report including minutes from the Norman Election Commission meetings of March 26, 2012, April 2, 2012, and April 9, 2012, be approved, which motion was duly seconded by Member Flannery;

Items submitted for the record

1. Norman Election Commission General Election Report dated April 23, 2012

and the question being upon approving the General Election Report including minutes from the Norman Election Commission meetings of March 26, 2012, April 2, 2012, and April 9, 2012, a vote was taken with the following result:

YEAS: Members, Allen, Flannery, Hilbert, Windes, and Chairman Hardiman

NAYES: None

The Chairman declared the motion carried and the General Election Report including minutes from the Norman Election Commission meetings of March 26, 2012, April 2, 2012, and April 9, 2012, was approved.



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Chairman Hardiman discussed the maximum contribution threshold for Council and Mayoral candidates. He said the current City ordinance allows a maximum of \$500 per person or \$1,000 per family to City Council candidates, but the Mayor's maximum is governed by State regulations. He said, according to State regulations, in a County with less than 250,000 persons the Mayoral contribution would be limited to \$1,000 and in a County with over 250,000 persons the Mayoral maximum is \$5,000. He said the last Mayoral election in Norman took place in a County with less than 250,000, but the next Mayoral election will take place in a County of more 250,000 persons according the 2010 Census. He said this is a significant change compared to what has historically been allowed in Mayoral elections. He said the Mayor has been made aware of the change and he felt that sometime in the future the NEC may need to meet to discuss the regulations and forward recommendations to City Council on whether or not the Mayoral maximum contribution should be \$1,000 or \$5,000. He asked the NEC members to be considering this in case Council does ask the NEC for a recommendation. Ms. Hall said the \$5,000 maximum could be contributed by a single person or a family.

Chairman Hardiman said in 2010, two Mayoral candidates spent approximately \$150,000 and in 2007, close to a quarter of a million dollars was spent by Mayoral candidates and that was with the \$1,000 limits. Ms. Hall said she believes the Mayor will request the City Council Oversight Committee to hold a joint meeting with the NEC regarding the contribution maximum limits.

Member Hilbert asked if anyone had asked the NEC for their opinion and Chairman Hardiman said no; however, one of the duties of the NEC is to streamline and regulate the campaign process. He said the NEC has made recommendations on past ordinances and Council has accepted some recommendations and some they have not. He felt it was within the NEC's authority to review contribution limits and give its opinion. Ms. Hall said it is within the purview of the NEC's duties and said the Mayor is planning to request the Oversight Committee meet with the NEC about the changes, so in essence the NEC has been asked for their opinion.

The next meeting was scheduled for May 21, 2012, at 2:00 p.m.

Item 5. Adjournment.

Member Hilbert moved that the meeting be adjourned, which motion was duly seconded by Member Allen; and the question being upon adjourning the meeting, a vote was taken with the following result:

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| YEAS: | Members, Allen, Flannery, Hilbert, Windes, and Chairman Hardiman |
| NAYES: | None |

Chairman Hardiman declared the meeting be adjourned at 2:37 p.m.